

PART III. OUTDOOR LIGHTING

SECTION 9.15 PURPOSE

~~Nonresidential and **multi-family** buildings and projects, including **outparcels**, shall be designed to provide safe, convenient, and efficient lighting for pedestrians and vehicles. Lighting shall be designed in a consistent and coordinated manner for the entire site. The lighting and lighting fixtures shall be integrated and designed so as to enhance the visual impact of the project on the community and/or should be designed to blend into the surrounding landscape. Lighting design and installation shall ensure that lighting accomplishes on-site lighting needs without intrusion on adjoining properties. The outdoor lighting standards of this section are intended to promote "dark sky" lighting principles and protect the public health and general welfare by controlling the adverse impacts of glare and light trespass associated with poorly shielded or inappropriately directed lighting fixtures.~~

SECTION 9.16 APPLICABILITY

~~The requirements of this section shall apply to:~~

- ~~(A) All nonresidential or **multi-family developments**.~~
- ~~(B) All residential **subdivision developments**.~~
- ~~(C) Modification of an existing lighted area where the lamp color will change or where the number of light fixtures or foot-candles (fc) are increased.~~
- ~~(D) Expansion of areas that are increasing in size and in doing so will exceed the illumination levels in Section 9.20.~~

~~Unless otherwise expressly exempted, the regulations of this section apply to all outdoor lighting installed after [Council Adoption].~~

SECTION 9.17 EXEMPT

- (A) The following activities are exempt from the requirements of this section.
 - (1) Outdoor lights used for a temporary event; permitted through a ~~Temporary Use~~ Permit the Town.
 - (2) Holiday lights.
 - ~~(3) Residential security lights controlled and activated by motion sensor devices for a duration of 15 minutes or less;~~

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- ~~(4) Lighting of official government flags;~~
- ~~(5) Lights used as part of a safety feature (eg. warning lights on radio, communication and navigation towers)~~
- (36) Outdoor lights used exclusively for recreational activities, concerts, plays, or other outdoor events that are open to the public, provided that the event or function meets all other applicable Ordinance requirements. Such lighting shall be located at least fifty (50) feet from any adjoining residential district or use and shall terminate lighting between 11:00 PM and 7:00AM.
- ~~(4) Fixtures may be replaced with like fixtures that meet requirements of Section 9.19(A).~~
- ~~(5) Maintenance and repairs (excluding replacement of fixtures, modifications, or expansions as defined in Section 9.16(C) and (D)) with like parts such as lamps, photo-controls, lens, and ballasts may be performed.~~
- ~~(6) Nonconforming Outdoor Lighting damaged by fire or other causes consistent with the following requirements:~~
 - ~~(a) In the event of damage by fire or other causes to an extent exceeding fifty percent (50%) of its value, reconstruction of a nonconforming **structure** shall be permitted only in compliance with the dimensional provisions of this Ordinance.~~
 - ~~(b) In the event of damage by fire or other causes to an extent below fifty percent (50%) of its value, reconstruction of a nonconforming **structure** shall be permitted provided it is in the same location and up to the same dimensions as originally existed.~~
- ~~(7) outdoor light fixtures producing light directly by the combustion of fossil fuels, such as, kerosene lanterns or gas lamps;~~
- (B) Outdoor lighting for permitted temporary or outdoor events listed ~~exempt from~~ in this the section shall only be illuminated while the activity takes place and during high traffic periods immediately before and after the event.

SECTION 9.18 LIGHTING PLAN

A site lighting plan shall be required as part of the application review for all areas proposed for illumination that exceed forty thousand (40,000) square feet in area. Projects with multiple areas proposed to be illuminated (such as separate **parking lots**) shall submit a site lighting plan if the sum of the multiple areas exceeds forty thousand (40,000) square feet. All major site

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plans, as specified in Article 5, Section 5.03, must indicate, at a minimum, fixture type, pole height and any fixture shielding. In addition, a note must be included on the site plan indicating that the proposed development shall comply with the outdoor lighting standards of this ordinance, including compliance with the light trespass requirement in Section 9.21.

SECTION 9.19 SITE LIGHTING DESIGN REQUIREMENTS

Lighting shall be used to provide safety while accenting key architectural elements and to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This can be accomplished through style, material, or color. All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:

(A) *Fixture (Luminaire).*

- (1) The light source shall be completely concealed behind an opaque surface and recessed within an opaque housing and shall not be visible from any street right-of-way or adjoining properties. Overhead lighting fixtures shall be designed to prevent light from emitting upwards towards the sky.
- (2) Under **canopy** lighting fixtures should be completely recessed within the **canopy**.

(B) *Fixture Height.*

- (1) Mainland Lighting fixtures for nonresidential uses may not exceed forty (40) feet in height. Lighting fixtures for residential uses shall not exceed twenty five (25) feet in height. and illumination levels shall comply with Section 9.20(B).
- (2) All Island lighting fixtures may not exceed twenty five (25) feet in height or twenty (20) feet in height if within 300ft. of a primary frontal dune. Illumination levels shall comply with Section 9.20.
- (23) The **UDO Administrator** may allow fixtures above this these heights to provide internal lighting for stadiums, arenas, and similar facilities.

(C) *Light Source (Lamp).*

- (1) Incandescent, florescent, or metal halide, ~~or color corrected high pressure sodium~~ are preferred. Light Emitting Diodes (LEDs) and fiber optics may be used provided the color emitted is similar to the preferred types between 4,000 and 5,000 Kelvin (white light). ~~Non-color corrected h~~High pressure sodium lamps are prohibited.

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- (2) The same light source type must be used for the same or similar types of lighting on any one (1) site throughout any **development**.
- (D) *Mounting.* Fixtures shall be mounted in such a manner that the cone of light is contained on-site and maximum illumination levels off-site do not exceed those found in Section 9.20(B) and not conflict with ~~excessive illumination~~ **light trespass** requirements found in Section 9.21.
- (E) *Limit Lighting to Periods of Activity.* The use of sensor technologies, timers, or other means to activate lighting during times when it will be needed may be required by the **UDO Administrator** to conserve energy, provide safety, and promote compatibility between different land uses.

SECTION 9.20 ILLUMINATION LEVELS

- (A) To ensure uniform light distribution, all site lighting shall be designed so that the level of illumination as measured in foot-candles (fc) at any one point meets the standards in the table below with minimum and maximum levels measured on the pavement within the lighted area and average level (the overall generalized ambient light level) measured as a not-to-exceed value calculated using only the area of the site intended to receive illumination.

LIGHT LEVEL (foot-candles)			
Type of Lighting	Minimum	Average	Maximum
Architectural Lighting	0.0	1.0 - 1.5	5.0
Canopy Area Lighting	2.0	10.0 - 20.0	20.0
Multi-family Parking Lot	0.2 5	1.0 - 1.5	8.0
Nonresidential and multi-family entrances	1.0	2.5 - 5.0	15.0
Nonresidential parking lot	0.2 5	1.5 - 2.0	10.0
Storage area (security lighting)	0.2 5	1.0 - 1.5	10.0
Vehicles sales and display	0.2 5	3.0	15.0
Walkways, landscape, or decorative lighting	0.2 5	1 - 1.5	5.0

- (B) All outdoor lighting shall be designed and located such that maximum illumination measured in foot-candles complies with the following table:

MAXIMUM ILLUMINATION LEVELS (foot-candles)	
Lighting Measured at:	Maximum Illumination (foot-candles)
Street	5.0
Property Line of Nonresidential Uses Next to abutting Residential Use or Residential District	0.2 5
Property Line Next to Commercial Use or Commercial District Property Line of Nonresidential Use Next to abutting Non Residential Use or Non Residential District	0.5 Conformance with 9.20 (A)

SECTION 9.21 ~~EXCESSIVE ILLUMINATION LIGHT TRESPASS~~

All outdoor lighting must be located, angled, shielded or limited in intensity so as to cast no direct light or glare at any abutting residentially-used property, on adjacent streets, or spill into the night sky.

- (A) ~~Lighting within any **lot** that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property is prohibited. Lighting unnecessarily illuminates another **lot** if it exceeds the requirements of this section.~~
- (B) ~~Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets.~~
- (C) ~~Fixtures used to accent architectural features, landscaping, or art shall be located, aimed, or shielded to minimize light spill into the night sky.~~
- (D) ~~Blinking or flashing lights shall be prohibited unless the lights are required as a safety feature (e.g., beacons on **towers**) or shall be permitted as part of a **sign** in accordance with Article 11, **Signs**.~~

SECTION 9.22 SEA TURTLE PROTECTION

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- (A) *Purpose.* The purpose of this section is to protect the threatened and endangered sea turtles that nest along the beaches of the Town by safeguarding egg-laying females and hatchlings from sources of artificial light that deter nesting and cause disorientation and subsequent death. To the maximum extent feasible, and consistent with requirements for **public safety**, it is the policy of the Town that no artificial light shall directly or indirectly illuminate the Town's ocean beach. To comply with this policy, outdoor lighting installed or upgraded within three hundred (300) feet of the **primary frontal dune** after the effective date of this Ordinance shall meet the following additional requirements:
- ~~(1) Streetlights shall utilize cutoff fixtures and the fixtures shall be mounted no more than twenty-five (25) feet above grade.~~
 - (12) Streetlight fixtures shall be shielded and/or utilize lenses to create a light pattern that contains light landward of the **primary frontal dune**.
 - (23) Where it is impractical to contain light from streetlight fixtures on the landward side of the **primary frontal dune**, colored lenses that modify light so that it is not disruptive to sea turtle hatchlings shall be employed.
 - (34) Pole-mounted light fixtures installed on private property ~~shall be cutoff fixtures and shall be shielded in such a manner as to contain light on the landward side of the~~ **primary frontal dune**. ~~The fixture mounting height may be no more than twenty (20) feet above grade at the base of the pole.~~
 - (45) Wall-mounted light fixtures shall be fitted with shields and hoods to contain light on the landward side of the **primary frontal dune**.
 - (56) Residential Floodlights, as specified in 9.17(A)(3), installed for security purposes and operated by motion sensors are permitted. ~~To the maximum extent feasible, t~~hese fixtures shall be mounted and aimed in a manner to contain light on the landward side of the **primary frontal dune**.
 - (67) Where possible, the source(s) of light within the three hundred (300) foot zone must not be visible from the seaward side of the **primary frontal dune**.
- (B) *Implementation; Compliance.* Building, electrical, and/or **sign** permits will state that the **applicant** must comply with the requirements of this section, and the requirements of this section must be met prior to the final inspection on the permit.

SECTION 9.23 NONCONFORMING LIGHTING

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Lighting fixtures existing as of ~~December 3, 2012~~ [Council Adoption], may remain, and shall be considered nonconforming **structures**. Modifications, replacement, or expansions shall conform to the standards of this Ordinance except for the following:

- (1) Fixtures may be replaced with like fixtures that meet requirements of Section 9.19(A).
- (2) Maintenance and repairs (excluding replacement of fixtures, modifications, or expansions ~~as defined in Section 9.16(C) and (D)~~) with like parts such as lamps, photo controls, lens, and ballasts may be performed.

SECTION 9.24 PROHIBITED LIGHTING

The following types of outdoor lighting are specifically prohibited:

- (A) Lighting that could be confused for a traffic control device.
- (B) Lighting that is oriented upward, except as otherwise provided for in this Ordinance.
- (C) Searchlights, beacons, and laser source light fixtures are expressly prohibited.
- (D) Lights that blink, flash, move, revolve, flicker, change in intensity, or change color, except lights listed as exempt under 9.17(A).
- (E) Any lamp or bulb when not within a luminaire and which is visible from the property boundary line of the parcel on which it is located, except for landscape ornamental lighting.
- (F) Lighting inside of an awning when the awning material is translucent.
- (G) Area floodlights, not including residential security lighting on timers or motion detection.